

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOSEPH MITCHELL, et al.

Petitioner,

ORDER

v.

KITTY RHODES, et al.

Case No. 16-cv-237-jdp

Respondents.

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Petitioner Joseph Mitchell seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has neither paid the \$5 filing fee nor requested leave to proceed without prepayment of the filing fee. For this case to move forward, petitioner must pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than May 31, 2016. Any motion for leave to proceed without prepayment of the filing fee must include a certified copy of an inmate trust fund account statement (or institutional equivalent) for the six-month period beginning approximately November 13, 2015 through the date of the petition, April 13, 2016.

ORDER

IT IS ORDERED that:

1. Petitioner Joseph Mitchell may have until May 31, 2016, to pay the \$5 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee.

2. If petitioner does not submit either the \$5 payment or a motion for leave to proceed without prepayment before May 31, 2016, I will assume that petitioner wishes to withdraw this action voluntarily and will dismiss the action without prejudice.

Entered this 10th day of May, 2016.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge